

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

TWENTIETH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 13, 2014

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor J. P. Mosley, Jr., followed by the Pledge of Allegiance led by House pages Celeste LaCoursiere and Caroline Perry.

Roll Call: All members present except Reps. Rozum, Schrempp, and Stevens who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the nineteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1184 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1193 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Charles B. Hoffman, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 89 and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Scott Munsterman, Chair

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration SB 93 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration SB 61 and 95 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration SB 103 and returns the same with the recommendation that said bill be amended as follows:

1 103oa

2 On page 1, line 9, of the printed bill, after "penalty" insert ", to be set by the court,".

3 And that as so amended said bill do pass.

4 Respectfully submitted,
5 Mike Verchio, Chair

6 Also MR. SPEAKER:

7 The Committee on Taxation respectfully reports that it has had under consideration SB 138
8 and returns the same with the recommendation that said bill do pass and be placed on the
9 consent calendar.

10 Also MR. SPEAKER:

11 The Committee on Taxation respectfully reports that it has had under consideration
12 HB 1121 and returns the same with the recommendation that said bill be amended as follows:

13 1121fa

14 On page 1, line 8, of the printed bill, after "actions" insert "on file with the county
15 treasurer".

16 And that as so amended said bill do pass.

17 Also MR. SPEAKER:

18 The Committee on Taxation respectfully reports that it has had under consideration
19 HB 1205 which was deferred to the 41st Legislative Day.

20 Respectfully submitted,
21 Brock L. Greenfield, Chair

22 Also MR. SPEAKER:

23 The Committee on Local Government respectfully reports that it has had under
24 consideration HB 1231 and 1234 which were deferred to the 41st Legislative Day.

25 Respectfully submitted,
26 Tim Rounds, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith HCR 1015 in which the Senate has concurred.

Also MR. SPEAKER:

I have the honor to return herewith HB 1048, 1053, and 1080 which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to transmit herewith SCR 3 which has been adopted by the Senate and your concurrence is respectfully requested.

Also MR. SPEAKER:

I have the honor to transmit herewith SB 39, 125, 150, 154, and 182 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Jeannette Schipper, Secretary

MOTIONS AND RESOLUTIONS

HCR 1017: A CONCURRENT RESOLUTION, Urging Congress, the White House Office of National Drug Control Policy (ONDCP), the United States Department of Justice, and the United States Drug Enforcement Administration (DEA) to recognize industrial hemp as a valuable agricultural commodity.

Rep. May moved that HCR 1017 as found on page 336 of the House Journal be adopted.

The question being on Rep. May's motion that HCR 1017 be adopted.

And the roll being called:

Yeas 61, Nays 6, Excused 3, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Hawks; Hawley;
4 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer;
5 Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson
6 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer; Steele; Tulson; Tyler; Verchio; Werner;
8 Westra; Wick; Wink; Wismer

9 Nays:

10 Greenfield; Haggar (Jenna); Hajek; Heinemann (Leslie); Russell; Speaker Gosch

11 Excused:

12 Rozum; Schrempp; Stevens

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried and HCR 1017 was adopted.

15 Speaker Pro tempore Wink now presiding.

16 Rep. Lust moved that HCR 1012 be deferred to Tuesday, February 18, the 21st legislative
17 day.

18 Which motion prevailed.

19 HCR 1018: A CONCURRENT RESOLUTION, Recognizing Chronic Obstructive
20 Pulmonary Disease (COPD) as a serious and chronic disease in South Dakota.

21 Rep. Gosch moved that HCR 1018 as found on page 393 of the House Journal be adopted.

22 The question being on Rep. Gosch's motion that HCR 1018 be adopted.

23 And the roll being called:

24 Yeas 66, Nays 1, Excused 3, Absent 0

25 Yeas:

26 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
27 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
28 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
29 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; Mickelson;
30 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
31 Qualm; Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Sly; Soli; Solum;
32 Stalzer; Steele; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

1 Nays:

2 May

3 Excused:

4 Rozum; Schrempp; Stevens

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the motion carried and HCR 1018 was adopted.

7 Speaker Gosch now presiding.

8 HCR 1019: A CONCURRENT RESOLUTION, Petitioning Congress to reauthorize
9 federally provided terrorism reinsurance for insurers.

10 Rep. Wink moved that HCR 1019 as found on page 395 of the House Journal be amended
11 as follows:

12 c1019fb

13 On page 1, line 9, of the printed resolution, delete "natural or man-made event in" and
14 insert "other man-made event in United States".

15 Which motion prevailed.

16 Rep. Wink moved that HCR 1019 be adopted as amended.

17 The question being on Rep. Wink's motion that HCR 1019 be adopted as amended.

18 And the roll being called:

19 Yeas 64, Nays 3, Excused 3, Absent 0

20 Yeas:

21 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
22 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
23 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
24 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson;
25 Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
26 Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer;
27 Steele; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

28 Nays:

29 Kaiser; Latterell; Nelson

1 Excused:
2 Rozum; Schrempp; Stevens

3 So the motion having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the motion carried and HCR 1019 was adopted as amended.

5 ~~SCR 1: A CONCURRENT RESOLUTION, Urging Congress to reject the proposal to~~
6 ~~remove the states' authority to designate a hospital as a necessary provider under the critical~~
7 ~~access hospital program.~~

8 SCR 3: A CONCURRENT RESOLUTION, Urging the members of the South Dakota
9 Congressional delegation to sponsor and support the Marketplace Fairness Act, or similar
10 legislation that would grant the states authority to collect sales and use tax on remote sales.
11 (Journal correction: See page 423 of the House Journal.)

12 Was read the first time and the Speaker waived the committee referral.

13 **CONSIDERATION OF REPORTS OF COMMITTEES**

14 Rep. Lust moved that the reports of the Standing Committees on
15 Education on HB 1181 as found on page 388 of the House Journal; also
16 Education on HB 1249 as found on page 389 of the House Journal; also
17 Education on HB 1005 as found on page 389 of the House Journal; also
18 Commerce and Energy on HB 1246 as found on page 389 of the House Journal; also
19 Commerce and Energy on HB 1106 as found on page 390 of the House Journal; also
20 Judiciary on HB 1127 as found on page 390 of the House Journal; also
21 Judiciary on HB 1162 as found on page 391 of the House Journal be adopted.
22 Which motion prevailed.

23 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

24 The following bill was read on Thursday, January 30th, and today the Speaker assigned
25 this bill to committee.

26 HB 1183 was referred to the Committee on State Affairs.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 39: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the regulation of certain open containers of alcoholic beverages.

Was read the first time and referred to the Committee on Transportation.

SB 125: FOR AN ACT ENTITLED, An Act to prohibit registered sex offenders from loitering in certain areas.

Was read the first time and referred to the Committee on Judiciary.

SB 150: FOR AN ACT ENTITLED, An Act to allow use of supraglottic airway devices by emergency medical technicians, and to declare an emergency.

Was read the first time and referred to the Committee on Health and Human Services.

SB 154: FOR AN ACT ENTITLED, An Act to establish the Jolene's Law Task Force to study the impact of sexual abuse of children in this state and to make recommendations to the Legislature on policies to effectively address the issue.

Was read the first time and referred to the Committee on State Affairs.

SB 182: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to dual education credit.

Was read the first time and referred to the Committee on Education.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

Rep. Lust moved that the balance of the calendar including HB 1157, 1097, 1140, 1213, 1221, 1132, 1122, 1171, and 1111 and SB 12, 64, 55, 27, 31, 32, 63, and 14 be deferred to Tuesday, February 18, the 21st legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 5.

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1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that HB 1009 and 1010 were
3 delivered to his Excellency, the Governor, for his approval at 9:35 a.m., February 13, 2014.

4 Also MR. SPEAKER:

5 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
6 and Enrolling has carefully compared HB 1048, 1053, and 1080 and finds the same correctly
7 enrolled.

8 Respectfully submitted,
9 Brian G. Gosch, Chair

10 **SIGNING OF BILLS**

11 The Speaker publicly read the title to

12 HB 1048: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding
13 property and casualty insurance.

14 HB 1053: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
15 regulation of insurance rating organizations.

16 HB 1080: FOR AN ACT ENTITLED, An Act to clarify that emergency personnel driving
17 records are not to include motor vehicle accidents resulting while engaged in the performance
18 of their official duties.

19 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
20 applications for absentee ballot and to declare an emergency.

21 SB 35: FOR AN ACT ENTITLED, An Act to revise the conditions for which certain
22 elections may be delayed for an emergency situation and to declare an emergency.

23 And signed the same in the presence of the House.

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COMMEMORATIONS

2 HC 1030 Introduced by: Representatives Duvall, Anderson, Bartling, Bolin, Cammack,
3 Campbell, Carson, Conzet, Craig, Cronin, Dryden, Ecklund, Erickson, Feickert, Feinstein,
4 Gibson, Gosch, Greenfield, Haggar (Don), Haggar (Jenna), Hajek, Hawks, Hawley, Heinemann
5 (Leslie), Heinert, Hickey, Hoffman, Johns, Kaiser, Killer, Kirschman, Kopp, Langer, Latterell,
6 Lust, Magstadt, May, Mickelson, Munsterman, Nelson, Novstrup (David), Olson (Betty), Otten
7 (Herman), Parsley, Peterson, Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum, Russell,
8 Schaefer, Schoenfish, Schrempp, Sly, Soli, Solum, Stalzer, Steele, Stevens, Tulson, Tyler,
9 Verchio, Werner, Westra, Wick, Wink, and Wismer and Senator Monroe

10 A LEGISLATIVE COMMEMORATION, Commending and honoring Robert (Bob) Graff, a
11 member of the Agar-Blunt-Onida School District Board of Education, on his selection as
12 the Associated School Boards of South Dakota Outstanding School Board Member of South
13 Dakota for 2013.

14 WHEREAS, Bob Graff has served his community and the students of the Agar-Blunt-Onida
15 School District for more than twenty-seven years on the school board and is an advocate for
16 public education who collaborates with his peers to ensure decisions are made in the best
17 interest of all students; and

18 WHEREAS, Bob Graff is an intelligent, thorough, level-headed person who utilizes the data
19 and information available to guide and support ongoing improvement in the school district; and

20 WHEREAS, Bob Graff understands effective board governance and the role school board
21 members have in creating policies and making effective decisions that impact student
22 achievement and is committed to supporting the superintendent, business manager, and staff of
23 the Agar-Blunt-Onida School District with the resources necessary to promote professional
24 growth:

25 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the
26 State of South Dakota, that during 2014 Bob Graff of Onida, South Dakota, is hereby an official
27 representative of the state and shall continue with his efforts to improve the educational
28 opportunities for the students of South Dakota.

29 HC 1031 Introduced by: Representatives Heinert, Bartling, Feickert, Feinstein, Gibson,
30 Hawks, Hawley, Hunhoff (Bernie), Killer, Kirschman, Otten (Herman), Parsley, Peterson, Ring,
31 Schrempp, Soli, Tulson, Tyler, and Wismer and Senators Lucas, Bradford, Buhl O'Donnell,
32 Jones (Tom), Maher, Sutton, and Welke

33 A LEGISLATIVE COMMEMORATION, Congratulating and commending the White River
34 High School Boys Basketball Team for its State B Championship and successful 2012-2013
35 season.

WHEREAS, the White River High School Boys Basketball Team was the 2013 South Dakota Class B State Champion, coming from behind, and led by Tyler Gerdes' fifteen points to defeat the team from Viborg-Hurley 63-51; and

WHEREAS, the champion Tigers also beat Langford 51-33 in the first-round game behind Wyatt Krogman's fourteen points and defeated South Central 86-55 in the semi-final game with Nick Waln scoring eighteen points; and

WHEREAS, Nick Waln, Joe Cameron, and Wyatt Krogman were named to the All-Tournament Team; and

WHEREAS, the White River High School Boys Basketball Team finished the 2012-2013 season with a record of 25-1; and

WHEREAS, the White River High School Boys Basketball Team has played in the championship game for six straight years winning four State Championships; and

WHEREAS, the White River High School Boys Basketball Team exemplifies the dedication and commitment needed to reach exceptional goals; and

WHEREAS, head coach Eldon Marshall and the White River High School administration represent the leadership needed to push students to their finest:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that the White River High School Boys Basketball team be congratulated and commended for its 2013 State B Championship and successful basketball program.

HC 1032 Introduced by: Representatives Heinert, Bartling, Feickert, Feinstein, Gibson, Hawks, Hawley, Hunhoff (Bernie), Killer, Kirschman, Otten (Herman), Parsley, Peterson, Ring, Schrempp, Soli, Tulson, Tyler, and Wismer and Senators Lucas, Bradford, Buhl O'Donnell, Jones (Tom), Maher, Sutton, and Welke

A LEGISLATIVE COMMEMORATION, Honoring the 2013 Todd County Boys Cross Country Team.

WHEREAS, the 2013 Todd County Boys Cross Country Team won the 2013 South Dakota Class A Boys Cross Country Championship; and

WHEREAS, the members of the 2013 State Championship team include Gabe Red Kettle, Donald Aquallo, John Hacker, Tobias Weddell, Yamni White Hat, and Daniel Whirlwind Soldier; and

WHEREAS, the Todd County Falcons became the 2013 State Champions under the guidance and direction of head coach Tonya Whirlwind Soldier and assistant coach Steve Her Many Horses; and

1 WHEREAS, the Todd County Falcons won by seventy-five points over second place
2 Flandreau; and

3 WHEREAS, senior Tobias Weddell medaled in fifth place and senior Gabe Red Kettle
4 medaled in twenty-second place:

5 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the
6 State of South Dakota, that the Legislature honors the 2013 Todd County Boys Cross Country
7 Team, coach Tonya Whirlwind Soldier, and assistant coach Steve Her Many Horses for their
8 great achievement in winning the 2013 South Dakota Class A Cross Country Championship.

9 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
10 1:48 p.m. the House adjourned.

11

Arlene Kvislen, Chief Clerk

